

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1127 - HB 1232

April 8, 2021

SUMMARY OF BILL: Prohibits a court from accepting a plea of guilty or no contest to any other offense in exchange for a dismissal of the charge of aggravated rape of a child such charge is supported by testimony of a witness who observed the defendant committing the offense or DNA evidence recovered from the victim.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$230,700 Incarceration*

Assumptions:

- Based on information provided by the Department of Correction, there has been an average of 89.6 admissions of aggravated sexual battery each year over the past five years with an average time served of 8.43 years.
- This analysis estimates that the proposed legislation will result in 10 percent, or 9 (89.6 x 10%), of aggravated sexual battery admissions being enhanced to aggravated rape of a child admissions.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.80 percent per year for each of the past 10 years (from 2009 to 2019), yielding a projected compound population growth rate of 8.3 percent. Assuming Tennessee's population continues growing by the same rates over the next 10-year period, population growth will account for 1 (9 x 8.3%) additional admission for a total of 10 (9 + 1).
- According to the DOC, 46.28 percent of offenders will re-offend within three years of their release. A recidivism discount of 46.28 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under the proposed legislation (10 offenders x 46.28% = 5 offenders).
- Pursuant to Tenn. Code Ann. § 39-13-531(b)(2)(B), a defendant found guilty of aggravated rape of a child is required to be sentenced to imprisonment for life without the possibility of parole.
- This analysis estimates the highest cost for admissions in the next 10 years; therefore, any additional time added by the proposed legislation resulting in sentences exceeding 10 years in length surpass the window of this analysis.

- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- Pursuant to Tenn. Code Ann. § 9-4-210, 5 (10 - 5 recidivism discount) offenders will be admitted every year serving 573.44 days $[(10 - 8.43) \times 365.25]$. The annualized increase in state incarceration expenditures is estimated to be \$230,695 $(\$80.46 \times 573.44 \times 5)$.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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